

REMARKS

In the NOTICE OF NON-COMPLIANT AMENDMENT mailed 12/06/04, it is stated that the Amendment C filed 09/30/04 is non-compliant since "[t]he previous amendment deleted Claims 2-3, 9-10, and 18-24 (01/26/04)." It is assumed that the Patent Office thus objects to the presence of Claims 18-24 in Amendment C filed 09/30/04.

Applicant respectfully disagrees with such allegation. First, Claims 2-3, and 9-10 were cancelled in Amendment A filed 09/08/03. Further, Amendment B filed 01/26/04 did not cancel Claim 24. Still yet, while Amendment B filed 01/26/04 did indeed cancel Claims 18-23 under final, the Advisory Action mailed 02/04/04 indicated that such amendments would not be entered.

Thus, applicant appealed Claims 18-23 et al. Further, in response to such appeal, the Examiner reopened prosecution with the Office Action mailed 07/12/04, and applicant continues to prosecute Claims 18-23 et al.

To this end, Claims 2-3, and 9-10 have been cancelled since Amendment A filed 09/08/03. Moreover, since the amendments of Amendment B filed 01/26/04 were not entered by the Examiner, the status of the claims in Amendment C filed 09/30/04 is appropriate.

For these reasons, applicant respectfully purports that the NOTICE OF NON-COMPLIANT AMENDMENT mailed 12/06/04 was issued in error. To this end, applicant asserts that no further expense or response is required from applicant. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100.

Applicants believe that no Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such

an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 50-1351 (Order No. NVIDP069). The Commissioner is further authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NVIDP069).

Respectfully submitted,


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